

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MONSANTO COMPANY and
MONSANTO TECHNOLOGY LLC,

Plaintiffs/Counterclaim
Defendants,

v.

E.I. DU PONT DE NEMOURS AND CO. and
PIONEER HI-BRED INTERNATIONAL, INC.,

Defendants/Counterclaim
Plaintiffs.

Case No. 09-cv-0686 (ERW)

**DEFENDANTS' MOTION FOR LEAVE TO FILE
UN-REDACTED DOCUMENTS UNDER SEAL**

Pursuant to E.D. Mo. L. R. 13.05(A), E.I. du Pont de Nemours and Company and Pioneer Hi-Bred International, Inc. (collectively “DuPont & Pioneer”) respectfully move the Court for an order allowing Defendants to file complete, unredacted copies of their Motion for Leave to File a Surreply in Opposition to Monsanto’s Motion to Dismiss Certain Antitrust and Patent Counterclaims and/or to Strike Certain Patent Affirmative Defenses and their proposed Surreply under seal. The basis for this relief is as follows:

1. The Court has previously allowed the parties to file various pleadings and exhibits under seal. Further, the protective order entered herein provides for the filing of confidential information and documents under seal.
2. Portions of the Motion for Leave to File a Surreply and the proposed Surreply itself quote from and/or paraphrase information designated as Confidential or Restricted Confidential by at least one of the parties. Therefore, these portions of the Motion for Leave to

File a Surreply and the proposed Surreply should be sealed. Defendants will also file redacted versions of these documents as part of the public record.

WHEREFORE, Defendants respectfully request that the Court enter an order allowing Defendants to file under seal a complete, unredacted Motion for Leave to File a Surreply in Opposition to Monsanto's Motion to Dismiss Certain Antitrust and Patent Counterclaims and/or to Strike Certain Patent Affirmative Defenses and their proposed Surreply.

Dated: December 8, 2010

Respectfully submitted,

LEWIS, RICE & FINGERSH, L.C.

By: /s/ C. David Goerisch

Andrew Rothschild, #4214

C. David Goerisch, #77207

600 Washington Avenue, Suite 2500

St. Louis, Missouri 63101

(314) 444-7600

(314) 241-6056 (facsimile)

arothschild@lewisrice.com

dgoerisch@lewisrice.com

Leora Ben-Ami

Thomas F. Fleming

Christopher T. Jagoe

Howard S. Suh

KAYE SCHOLER LLP

425 Park Avenue

New York, New York 10022

(212) 836-8000

(212) 836-8689 (facsimile)

lbenami@kayescholer.com

tfleming@kayescholer.com

cjagoe@kayescholer.com

hsuh@kayescholer.com

Donald L. Flexner

BOIES, SCHILLER & FLEXNER LLP

575 Lexington Avenue, 7th Fl.

New York, New York 10022

(212) 446-2300

(212) 446-2350 (facsimile)

dflexner@bsfllp.com

James P. Denvir

Amy J. Mauser

BOIES, SCHILLER & FLEXNER LLP

5301 Wisconsin Avenue, N.W.

Washington, D.C. 20015

202-237-2727

202-237-6131 (facsimile)

jdenvir@bsfllp.com

amauser@bsfllp.com

*Counsel for Defendants E.I. du Pont de Nemours and
Company and Pioneer Hi-Bred International, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on December 8, 2010, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

- **Steven M. Berezney**
steve.berezney@huschblackwell.com
- **Kurt G. Calia**
kcalia@cov.com
- **Matthew A. Campbell**
macampbell@winston.com
- **Scott W. Clark**
sclark@mwe.com
- **Joseph P. Conran**
joe.conran@huschblackwell.com
- **Todd J. Ehlman**
tehlmn@winston.com
- **Anthony J. Franze**
Anthony.Franze@aporter.com
- **Greg G. Gutzler**
greg.gutzler@huschblackwell.com
- **James M. Hilmert**
jhilmert@winston.com
- **George C. Lombardi**
glombardi@winston.com
- **Kurt A. Mathas**
kmathas@winston.com
- **Omri E. Praiss**
omri.praiss@huschblackwell.com
- **John J. Rosenthal**
jrosenthal@winston.com
- **Rebecca M. Ross**
rmross@winston.com
- **Mark A. Smith**
markasmith@winston.com
- **Steven G. Spears**
sspears@mwe.com,jjknapp@mwe.com
- **Tamara M. Spicer**
tamara.spicer@huschblackwell.com,jean.melenbrink@huschblackwell.com
- **Gail J. Standish**
gstandish@winston.com
- **Dan K. Webb**
dwebb@winston.com

/s/ C. David Goerisch